

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 01/15/2014

U.S. Bank, National
Association,

Plaintiff,

-v-

Commonwealth Land Title Insurance Company

Defendant.

No. 13 CIV 7626

CASE MANAGEMENT PLAN AND
SCHEDULING ORDER

NAOMI REICE BUCHWALD, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby
adopts the following Case Management Plan and Scheduling Order:

1. All parties [REDACTED] (do not consent) to disposition of this case by a United States Magistrate Judge. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. *[Please circle one. If all consent, the remainder of the Order need not be completed at this time.]*
2. This case [REDACTED] (is not) to be tried to a jury. *[Please circle one.]*
3. No additional parties may be joined after **March 31, 2014** without leave of the Court.
4. No additional causes of action or defenses may be asserted after **March 31, 2014** without leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than **January 28, 2014**. *[Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).]*
6. All fact discovery is to be completed no later than **May 30, 2014**. *[A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.]*
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth

in ¶ 6 above.

- a. Initial requests for production of documents shall be served by February 29, 2014.
- b. Interrogatories shall be served by April 30, 2014.
- c. Depositions shall be completed by May 30, 2014.
- d. Requests to Admit shall be served no later than April 30, 2014.
8. All expert disclosures, including reports, production of underlying documents, and depositions shall be completed by June 30, 2014. *[The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]*
9. All discovery shall be completed no later than June 30, 2014.
10. ~~The Court will conduct a post-discovery conference on _____ at _____. [To be completed by the Court.]~~ *The parties will report to the court every 60 days on the progress of discovery.* No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion (and the basis thereof) and what efforts the parties have made to settle the action.
11. ~~Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready forty-five (45) days from the close of discovery or the Court's decision on any dispositive motion.~~
12. All dispositive motions must be filed and served by August 29, 2014. *The submission date shall be 60 days. shall*
13. Protective Order. The parties have agreed that a protective order is appropriate to govern discovery and jointly submit a proposed protective order.
14. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
 - a. _____ Referral to a Magistrate Judge for settlement discussions.
 - b. _____ Referral to the Southern District's Mediation Program. *[Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 11(b).]*

c. ~~_____ Retention of a private mediator.~~

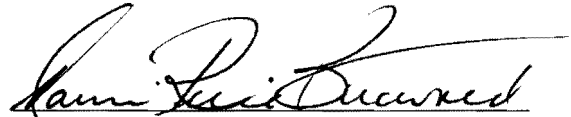
The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

13. The parties have conferred and their present best estimate of the length of trial is 3-4 days.

SO ORDERED.

Dated:

January 14, 2014
New York, New York


Naomi Reice Buchwald
United States District Judge